

RECEIVED

SEP 04 2001

TECH CENTER 1600/2900



EXPRESS MAIL CERTIFICATE

Date 8/27/01 Label No. EL 903055569US
I hereby certify that, on the date indicated above, this paper or fee was deposited with the U.S. Postal Service & that it was addressed for delivery to the Assistant Commissioner for Patents, Washington, DC 20231 by "Express Mail Post Office to Addressee" service.
Name (Print) A. DiLullo Signature A. DiLullo

PLEASE CHARGE ANY DEFICIENCY UP TO \$300.00 OR CREDIT ANY EXCESS IN THE FEES DUE WITH THIS DOCUMENT TO OUR DEPOSIT ACCOUNT NO. 04-0100

Customer No.:



07278

PATENT TRADEMARK OFFICE

Docket No: 2094/1E285-US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Kevin M. GORMAN, David R. PATTERSON,
Jeffrey M. LINNEN and Keming SONG

Serial No.: 09/494,332

Art Unit: 1655

Filed: January 28, 2000

Examiner: J. GOLDBERG

For: OLIGONUCLEOTIDE PRIMERS FOR EFFICIENT MULTIPLEX DETECTION OF
HEPATITIS C VIRUS (HCV) AND HUMAN IMMUNODEFICIENCY VIRUS (HIV)
AND METHODS OF USE THEREOF

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Hon. Commissioner of Patents and Trademarks
Washington, DC 20231

Sir:

In order to comply with the continuing duty to disclose information under 37 C.F.R. § 1.56, Applicants submit herewith a Second Supplemental Information Disclosure Statement Under 37 C.F.R. § 1.97 and § 1.98. In particular, Applicants submit herewith:

O I P E J C 10

- (1) a Form PTO-1449 listing references 1-10 for the Examiner's consideration;
- (2) a copy of each reference listed in the accompanying Form PTO-1449; and
- (3) a copy of a Search Report (dated July 2, 2001) for the counterpart European patent application no. EP 00 30 0789.

This Information Disclosure Statement ("IDS") is being submitted in accordance with the requirements of 37 C.F.R. § 1.97(c). In particular, the IDS is submitted before the mailing date of any final action for this application under 37 C.F.R. § 1.113, of a Notice of Allowance Under 37 C.F.R. § 1.311, or of any action that otherwise closes prosecution of this application. In addition, pursuant to 37 C.F.R. §§ 1.97(c)(1) and (e)(1), each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to date or which these documents are being submitted. Specifically, each reference cited in the accompanying Form PTO-1449 was first cited in the accompanying Search Report (dated July 2, 2001) for corresponding European patent application no. EP 00 30 0789.

It is believed that no fee is required for these submissions. However, should the U.S. Patent and Trademark Office determine that any fee is required or

that any refund is due for these submissions, the Commissioner is hereby authorized and requested to charge any required fee(s) and/or credit any refund(s) due to Deposit Account No. 04-0100.

With respect to reference number 10 cited in the accompanying Form PTO-1449,¹ Applicants note that this non-English language reference is also cited in the accompanying European Search Report. The Search Report uses conventional codes to characterize each cited reference. It is therefore believed that this IDS is fully compliant with the requirement set forth under 37 C.F.R. § 1.98(3)(i) and M.P.E.P. § 609 to furnish a concise explanation of the relevance of each non-English language document cited.

In accordance with M.P.E.P. §§ 609 and 707.05(b), it is respectfully requested that each document cited in the accompanying Form PTO-1449 be given thorough consideration, and that all of the references be cited of record in the prosecution history of the present application by initialing the Form PTO-1449 next to each listed document. Such initialing is requested even if the Examiner does not consider a cited document to be sufficiently pertinent to use in a rejection or otherwise does not consider it to be prior art for any reason. This is requested so that each document becomes listed on the face of the patent issuing from this application. The citation of any document in this application is not to be construed

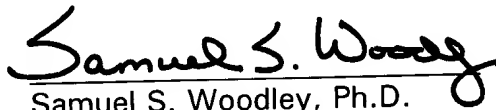
¹ Wolff *et al.* "Transfusionsassoziierte Risiken: Infektionen und Immunmodulation" *Transfusionsmedizin* (Sibrowski W. et al., Eds.) 1994

as an admission by Applicants or their representatives that such document is necessarily relevant or prior art.

Early and favorable consideration of this Supplemental Information Disclosure statement and the reference cited therein is earnestly solicited.

Respectfully submitted,

Dated: August 27, 2001


Samuel S. Woodley, Ph.D.
Reg. No. 43,287
Agent for Applicants

DARBY & DARBY, P.C.
805 Third Avenue
New York, N.Y. 10022
Phone (212) 527-7700